



**Session: County Lobbyist Call
Monday, January 29, 2018**

Welcome & Opening Remarks

Davin Suggs, FAC's Director of Public Policy, gave the following updates:

- FAC Legislative Days are February 7-8, 2018, in Tallahassee. Please [click here](#) for more information and to register.
- FAC's Federal Fly-In is April 17-18, 2018, in Washington D.C. Please [click here](#) for more information and to register.
- **Constitution Revision Commission Proposal 95 Update:**

In committee last Friday, the amendment to Proposal 95 was debated and defeated. As a result, the Sponsor of the proposal, Senator Tom Lee, requested that Proposal 95 be temporarily postponed. **It is on the agenda for the CRC Local Government Committee this Friday, February 2 at 9:00 am.**

Proposal 95 would create a constitutional prohibition against any county, municipality, or special district's regulation of any type of commerce, trade, or labor, unless such regulation operated exclusively within the respective entity's own boundaries in a manner not prohibited by law.

- **Constitution Revision Commission Proposal 26 Update:**

Proposal 26 was not heard last week because the sponsor of the proposal was unable to attend the committee meeting. **It has been rescheduled for a hearing this Friday, February 2 at 9:00 am.**

Proposal 26 would create an Office of Domestic Security and Counter-Terrorism within the Department of Law Enforcement. The current language grants the county sheriff authority for security of county-operated facilities including courthouses. A pending amendment to the proposal would narrow the sheriff's authority to courthouses and court facilities. FAC opposes both the proposal and the amendment.

Below, find contact information for members of the Local Government Committee:

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FAC Public Policy Staffing, Roles and Responsibilities are as follows:

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- Affordable Housing
- State and Regional Transportation
- Strategic Intermodal System Issues
- Water Quantity and Water Quality
- Mosquito Control
- Waste and Pollution
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- Taxation
- Local Revenue
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- Local Fiscal Administration
- Appropriations

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Health and Safety

- Behavioral and Mental Health
- Healthcare and Human Services Funding
- Healthcare and Human Services Policy
- Emergency Medical Services
- Law Enforcement and Corrections
- Substance Abuse Prevention and Treatment
- Emergency Management
- Emergency Communications

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Constitutional Revision Commission

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Administration

- Intergovernmental Relations (Constitutional Officers)
- Public Records
- Elections
- Judiciary – Article V
- Ethics
- Florida Retirement System

ERIC POOLE
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Eric will continue to work with the Public Policy team to provide advocacy and policy development services based on his areas of expertise and experience at the State and Federal level.

CASEY PERKINS
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Casey will provide research and analytical support to the Public Policy Division related to State and Federal policy issues to augment the team's advocacy efforts

Emerging Issues: Week of 1/29/18

FINANCE, TAX, & ADMINISTRATION

HB 3/SB 1714 (M. Grant/Perry): Economic Development and Tourism Promotion Accountability

- HB 3, as drafted, would place additional procedural requirements and expense on county tourism development and economic development operations- both internal and external. This bill is a House leadership priority and looks to be quickly poised for the floor. SB 1714 by Sen. Perry has been filed in the Senate.
- HB 3 passed the House 87-20.
- **SB 1714** is up in its first committee on Monday (1/29). Sen. Perry has filed two amendments that FAC will support. The first amendment (Bar Code 923982) resolves the major concerns raised by FAC and the tourism industry with the tourist development portion of the bill. The second amendment would exempt fiscally constrained counties from the requirement that meeting of the board of economic development agencies be video recorded and placed on the county's website. FAC still has considerable concerns regarding the provisions related to local government economic development activities and will continue to work with the sponsor as the bill moves through the process.

HB 7/SB 1426 (Burton/Lee): Local Government Fiscal Transparency

- After being heard on 2nd reading during one of the first committee weeks, HB 7 is likely to be passed off the House floor this week. The bill creates additional voting and notice requirements when counties issue debt. The bill would require the creation of a "debt affordability analysis" to be published in a newspaper prior to the consideration of the issuance of new debt, would require that two public hearings be held prior to issuance of debt or increases in local option sales taxes, and would require that vote counts be maintained for tax increases or issuance of tax supported debt for 5 years on the county's website, and would require additional auditing and remedial measures. FAC will continue to voice concerns related to the additional costs the bill will required to be incurred compared to the value of the information provided. Sen. Lee has filed the companion, SB 1426.

- HB 7 passed the full House during the first week of Session, by a 91-12 vote.
- **SB 1426** is up in Senate Community Affairs on Tuesday (1/30) at 10 am. Similarly to HB 7, it would create additional advertising requirements for actions that are deemed tax increases or the issuance of tax-funded debt. The bill would require certain information be posted on county websites and would create a debt-affordability ratio to include in advertisements.

SB 308/HB 9 (Bean/Metz): Federal Immigration Enforcement

- HB 9 would require county governments and law enforcement agencies, including their officials, agents, and employees, to support and cooperate with federal immigration enforcement. Specifically, the bill would prohibit a county government or law enforcement agency from having a law, policy, practice, procedure, or custom which impedes a law enforcement officer from communicating or cooperating with a federal immigration agency. The bill also requires any sanctuary policies currently in effect to be repealed within 90 days of the Act becoming law. If found in violation of the Act, a county or law enforcement agency could be fined by the State or subject to a suspension of state grant funding eligibility for 5 years. HB 9 is similar to SB 308 by Senator Bean.
- HB 9 passed the House on a 71-35 vote during the first week of Session.
- **SB 308** is up in Senate Judiciary on Tuesday at 2pm.

HB 227/SB 376 (Willhite/Book) – Workers’ Compensation Benefits for First Responders

- HB 227 provides first responders workers’ compensation benefits for mental or nervous injuries regardless of whether such injuries are accompanied by physical injuries if the mental or nervous injury is demonstrated by clear and convincing evidence. HB 227 is similar to SB 376, which is currently in the Senate Appropriations Committee.
- **HB 227** will be heard by the House Oversight, Transparency & Administration Subcommittee on Tuesday (1/30) at 8:30am.

HB 79/SB 192 (Roth/Baxley) – Public Meetings

- HB 79 codifies judicial interpretation of Florida’s Sunshine law. Specifically, the bill provides definitions for the terms “de facto meeting”, “discussion”, “meeting”, “official act”, and “public business”. The bill also provides that notice is not required when two or more members of a board are gathered if no official acts are taken and no public business is discussed. HB 79 is similar to SB 192, which is set to be considered on third reading by the full Senate on Wednesday (1/31).
- **HB 79** will be heard by the House Local, Federal & Veterans Affairs Subcommittee on Monday (1/29) at 1:30pm.

SB 560/HB 439 (Steube/Donalds): Public Meetings and Records/Imminent Litigation

- SB 560 expands an exemption from public meetings requirements to allow a county board to meet privately with its attorney to discuss imminent litigation. “Imminent litigation” is defined to be imminent when the county board has received notice of a claim or demand by a party threatening litigation before a court of administrative agency. For the meeting to be legal, the attorney must identify the name of the potential claimant or litigant at a public meeting, in addition to other existing requirements. If the imminent litigation does not begin, the transcript of the private

meeting must be made part of the public record after a reasonable time or when the underlying statute of limitations expires. SB 560 is similar to HB 439, sponsored by Rep. Donalds.

- SB 560 has passed its first two committees of reference; HB 439 passed its first committee last week.

SB 750/HB 273 (Perry/Rodrigues): Public Records

- These bills would prohibit a county that receives a request to inspect or copy a record from responding to such request by filing a civil action against the individual or entity making the request. Currently, certain public records are exempt; certain public records are exempt and confidential; and certain public records are exempt, confidential, and bring criminal penalties for improper disclosure. If a county receives a public records request for records that may be subject to the criminal penalty for disclosure, these proposed changes may put the county in a bind: if the county takes the position the records are exempt, the county faces civil and potentially criminal penalties if the county is wrong. If the county release the records, it may face criminal penalties for improper disclosure. The county can avoid this trap by filing a declaratory action; however, these bills appear to prohibit such a filing.
- SB 750 was temporarily postponed in Judiciary last week. HB 273 is on the House special order calendar for Wednesday, January 24.

GROWTH, AGRICULTURE, TRANSPORTATION, & ENVIRONMENT

SB 174/HB 131 (Hukill/Peters): Coastal Management

- These bills revise beach nourishment project funding criteria, and dedicate an annual appropriation from the Land Acquisition Trust Fund to beach projects. FAC is supportive of this bill and it lines up with our beaches and shores policy proposal.
- **SB 174** is up in its final committee, Senate Appropriations, on Wednesday (1/31). HB 131 has not yet been heard.

SB 1328/HB 987 (Perry/B. Cortes): Affordable Housing

- These bills are aimed at expediting and incentivizing development of affordable housing. FAC does have concerns about the provision which prohibits local governments from imposing mobility fees or impact fees for affordable housing development for a five-year period beginning July 2018.
- HB 987 passed its first committee last week; FAC is working on proposed language to address the impact fee section.
- **SB 1328** will be heard in Senate Community Affairs on Tuesday (1/30).

SB 324/HB 697 (Young/Miller): Impact Fees

- These bills address the timing of collection of impact fees. As originally filed, they would amend the impact fee statute to clarify that local governments cannot collect impact fees prior to the issuance of a certificate of occupancy for the property subject to the fee. SB 324 was amended in its first committee to instead provide that impact fees cannot be collected prior to the issuance of a building permit; this change is favorable to local governments and in line with common practices.
- HB 697 has passed its first two committees with language that is favorable to counties.

- **SB 324** will be heard in its second committee on Monday (1/29) at 1:30pm. There is an amendment to exempt water and sewer connection fees from the bill.

SB 1400 (Steube): Vacation Rentals

- SB 1400, the “Florida Vacation Rentals Act,” would preempt regulation and control of vacation rentals to the state, conferring exclusive regulatory authority over such rentals to DBPR’s Division of Hotels and Restaurants. Vacation rentals would be required to obtain annual, non-transferrable licenses from the Division. The bill would invalidate existing local regulations, including those grandfathered in under the 2011 law and adopted pursuant to the 2014 change. SB 1400 does not yet have a House companion.
- Senate Community Affairs will be considering a PCS that combines the substance of **SB 1400** and **SB 1640** (Simmons) on Tuesday at 10am.

SB 574/HB 521 (Steube/Edwards): Tree Trimming, Removal, and Harvesting

- These bills would prohibit a local government from regulating the trimming, removal or harvesting of trees and timber on private property or requiring mitigation for tree removal or harvesting on private property. The bills would also preempt local governments from prohibiting the burial of vegetative debris on properties larger than 2.5 acres.
- **HB 521** will be heard on Monday; a PCS has been filed that provides that in rights-of-way owned or maintained by the state, water management districts, or certain other special districts, local governments may not prohibit, restrict, condition, or require a permit, fee, or mitigation for tree trimming or removal.

HB 773 (La Rosa): Vacation Rentals

- HB 773 prohibits counties and cities from establishing ordinances specific to short-term vacation rentals and would instead require that local regulations of activities associated with vacation rentals be applied uniformly to all residential properties. The bill would allow counties with vacation rental ordinances in place prior to June 1, 2011, to amend their ordinances, as long as the amendment makes the regulation of vacation rentals less restrictive.
- **HB 773** will likely be heard in its first committee, Government Accountability, on Thursday (2/1).

SB 1308/HB 1149 (Perry/Payne): Environmental Regulation

- The bills include sections aimed at addressing the issue of contamination in residential recycling. As original filed, the bills provide that counties and municipalities cannot require recycling of “contaminated recyclable material,” which the bill defines as material containing 15% or more contamination (solid waste or non-recyclables). FAC was concerned that this would allow the recycling company the discretion to reject a load at curbside or at the processing facility if it contained more than 15% waste or non-recyclable material, by weight or volume. Based on feedback from many cities and counties, 15% contamination is incredibly low for residential recycling and difficult to obtain for most local governments, even with intensive education programs. Sen. Perry, has filed an amendment to the section that instead requires counties and cities to address the issue of recycling contamination in their contracts with recycling haulers and

processors. Specifically, the contracts must define “contaminated recycling material” in a manner that is appropriate for the local community, taking into account available markets for recyclable materials. The amendment removes the language establishing a 15% limit for contamination, and instead allows the local governments to determine the appropriate level. Additionally, the amendment language only applies to future contracts. We anticipate that Rep. Payne will file the same language on his bill.

- Both bills passed their first committees with language that improves the recycling section; FAC is working with the cities and waste and recycling entities to further refine the language.

SB 1304/HB 1033 (Young/Toledo): Dockless Bicycle Sharing

- The bill preempts regulation of dockless sharing companies to the state, and specifically prohibits local governments from imposing taxes or requiring business licenses. The bill also prohibits private agreements that would prohibit or limit the operation of dockless bike share companies within a local government’s jurisdiction; any such existing agreements would be unenforceable after July 1, 2018. This provision appears to be aimed at some exclusive agreements between dockless bike share companies and a handful of south Florida cities. We are concerned about this bill potentially impairing existing contracts as well as limiting local government authority to regulate these entities operating in our rights-of-way.
- HB 1033 has passed its first committee; SB 1304 has not been heard and is not on the agenda this week.

SB 852/HB 633 (Brandes/Fischer) – Florida Smart City Challenge Grant Program

- The bill would establish a grant program, through FDOT, to fund innovative transportation projects. Counties and cities would be among the eligible applicants for the grant program.
- SB 852 passed its first committee last week; HB 633 will be heard this week.

SB 874/HB 191 (Passidomo/Shaw): State Housing Trust Fund

- These bills would prohibit sweeps of the Housing Trust Funds (specifically, the State Housing Trust Fund and the Local Government Housing Trust Fund)
- SB 874 passed its first committee with significant stakeholder support.

HB 353/SB 712 (Fischer/Brandes): Autonomous Vehicles

- FAC has been monitoring these bills thus far. HB 353 is up in its second committee today (1/22/18), with a strike all amendment prohibiting local governments from imposing taxes, fees, or other requirements on autonomous technology or vehicles, including an operator of an autonomous vehicle. FAC is working with the sponsor to narrow, or eliminate, this broad preemption.

SB 804/HB 631 (Passidomo/Edwards): Possession of Real Property

- These bills specify the process by which a property owner with a superior right of possession can use a cause of action to recover possession of the property. The bill includes a brief, sentence-long section which could preempt local customary use ordinances which have been used to establish a right of public access to beaches. Specifically, the bill states that a common law claim of customary

use for the public use of private property must apply to a particular parcel and must be determined by the court.

- HB 631 has passed its two committees of reference; SB 804 passed its first committee, but has not yet been heard again.

SB 432/HB 17 (Lee/Raburn): Community Redevelopment Agencies

- These bills would increase various auditing, reporting, accountability, and ethics requirements on CRAs; the House bill would also create a process to phase out existing CRAs unless re-authorized by a supermajority vote of the board, and would only allow new CRAs to be created by special act of the Legislature
- HB 17 passed the full House by a 72-32 vote during the first week of session. SB 432 has passed the first of its four referenced committees.

HEALTH & SAFETY

SB 484 (Bradley): Sentencing

- SB 484 would authorize a court to sentence a person for up to twenty-four months in the county jail in the county where the offense was committed, under certain circumstances; one prerequisite would be the existence of a contractual agreement between the county and the Florida Department of Corrections.
- **SB 484** is up in its final committee, Senate Appropriations, on Wednesday (1/31).

SB 90/HB 3 (Perry/Toledo): Texting While Driving

- These bills strengthen the current ban on texting, emailing, and instant messaging while driving, by changing the current enforcement of the ban from secondary to primary. Any violation of the ban that causes a crash results in the addition of six points to the offender's driver license record. House Speaker Richard Corcoran praised the legislation in a press release.
- SB 90 has passed its first three committees. HB 33 has passed its first two committees.

SB 488/HB 285 (Grimsley/Pigman): Emergency Medical Services

- These bills would authorize governmental entities that maintain fire rescue infrastructure and provide first responders to provide advanced life support non-transport services (ALSNS) without having to obtain a COPCN from the county. The exempt governmental entity would only be required to follow an existing county medical protocol if it does not restrict or limit the entity's ability to provide ALSNS. FAC is working with Senator Grimsley and North Collier Fire District on amendment language that would alleviate many of FAC's concerns with the legislation.
- SB 488 passed its first committee of reference. HB 285 has not yet been heard.

Calendar: Week of 1/29/18

Monday, January 29, 2018

1:30pm: Senate Finance & Tax Appropriations

- SB 324 – Impact Fees (Young)

3:00pm: House Energy & Utilities Subcommittee

- HB 971 – Interruption of Services (Fine)
- HB 1057 – E911 Systems (DuBose)
- Workshop on Recommendations from the Final Report of the Select Committee on Hurricane Response & Preparedness

3:00pm: House Local, Federal, & Veterans Affairs Subcommittee

- HB 79 – Public Meetings (Roth)
- HB 521 – Tree Trimming, Removal, and Harvesting (Edwards)

4:00pm: Senate Commerce and Tourism

- SB 1714 – Economic Development and Tourism Promotion Accountability (Perry)
- SB 1646 – Regional Rural Development Grants (Montford)

4:00pm: Senate Criminal Justice

- SB 624 – Drones (Young)

Tuesday, January 30, 2018

8:30am: House Oversight, Transparency, & Administration Subcommittee

- HB 227 – Workers' Compensation Benefits for First Responders (Willhite)

10:00am: Senate Community Affairs

- SB 1400 – Vacation Rentals (Steube)
- SB 1640 – Vacation Rentals (Simmons)
- SB 1328 – Affordable Housing (Perry)
- SB 1426 – Local Government Fiscal Transparency (Lee)

10:00am: Senate Health Policy

- SB 562 – Regulation of Smoking (Mayfield)

2:00pm: Senate Judiciary

- SB 308 – Federal Immigration Enforcement (Bean)

Wednesday, January 31, 2018

1:00pm: Senate Appropriations

- SB 484 – Sentencing (Bradley)
- SB 174 – Coastal Management (Hukill)

3:30pm: House Session

- HB 317 – Local Tax Referenda (Ingoglia)